IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1658 OF 2004
IN
SUIT NO. 2629 OF 2001

M/s. Nanabhoy Jeejeebhoy Pvt.
Ltd. and Ors. ... Plaintiffs

Versus

Prataprao Salunkhe ... Defendant

And

Singh Estate Rahivashi Sangh ... Applicants

Mr. N.Y. Gupte with Mr. J. Suryavanshi for
Applicants.

Mr. Omprakash Shukla for Plaintiff.

Mr. O.P. Pandya i/by Ms. J. Vyas for Defendant.

CORAM : A.M. KHANWILKAR,J.
DATED : JUNE 13, 2005

P.C.

. Heard counsel for the parties. Perused the affidavit of the defendant tendered across the bar sworn on 10.6.2005.

. The plaintiffs have no objection if the applicants are impleaded as defendants in the suit, for the nature of controversy raised between the parties and the stand taken on behalf of the Applicants in that behalf. However, this chamber summons is opposed by the defendant on the ground that the applicants are neither necessary nor

proper party.

. As the Plaintiffs are willing to join the applicants as party defendants, the application ought to succeed. In any case, I find substance in the contention of the Plaintiff who is supporting the chamber summons that in view of the stand taken by the defendant in the reply affidavit, more particularly in paragraph 5, the applicants who have direct interest in the subject matter of the suit will have to be treated as proper party even if not necessary party to the suit. It is rightly submitted that presence of Applicants would be appropriate for full, complete and effective adjudication of all the issues. Viewed in this perspective, the application ought to succeed in terms of Prayer Clause (a). Hence chamber summons made absolute in terms of Prayer clause (a). Plaintiff to carry out consequential amendment within two weeks.

(A.M. KHANWILKAR,J.)